

REMARKS

In the Final Office Action, the Examiner maintained the rejection of claims 1, 2, 5, 7-14, and 16-22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,182,908 to *Devier et al.* and the rejection of claims 1-4, 6-15, 17-19, and 22 under 35 U.S.C. § 102(f) as being anticipated by U.S. Patent No. 6,305,162 to *Cobo et al.* These rejections are respectfully traversed for at least the following reasons.

Claim 1 recites a method including, for example, selecting a relationship from a plurality of relationships between valve commands and an operator input, the plurality of relationships being configured to provide various actuator responses with respect to the operator input to reduce an opening of the valve in response to a reduction in the speed of the pump. Claim 10 recites a system including, among other elements, a controller being configured to select a relationship from a plurality of relationships between valve commands and the operator input based on the speed signal, the plurality of relationships being configured to provide various actuator responses with respect to the operator input to reduce an opening of the valve in response to a reduction in the speed of the pump. Claim 22 recites a machine having a similar controller recited in claim 10. These method, system, and machine are not taught by the cited references.

In the Final Office Action, the Examiner stated that "*Devier et al.* clearly indicates that the comparison is used . . . to adjust flow to each work element; (sic) with the valve command (i.e., stem displacement) reduced proportionally to the assigned priority values." *Devier et al.* discloses a control system that determines a total requested flow, Q_{REQ} , compares it with the maximum flow capacity, Q_{MAX} , and controls a pump displacement based on the comparison. When the total requested flow exceeds the maximum flow capacity, and the flow is not sufficient to meet the needs of all the work

elements, the control system of *Devier et al.* adjusts stem displacements and fluid flow is delivered to each work element with priority values so that all the work elements will receive at least some flow. Therefore, when the total requested flow is below the maximum flow capacity, the control system of *Devier et al.* controls the pump displacement and will not change the stem displacements.

In the control system of *Devier et al.*, the stem displacements will not be adjusted until the pump displacement is at the maximum. Also, the control system of *Devier et al.* does not reduce an opening of the valve in response to a reduction in the speed of the pump, as required by claims 1, 10, and 22. In fact, the control system of *Devier et al.* does exactly the opposite when the pump speed is reduced. When the total requested flow exceeds the maximum flow capacity, the control system of *Devier et al.* reduces the stem displacements. When the total requested flow is reduced, and the pump displacement become less than the maximum, the stem displacement is opened up.

Therefore, *Devier et al.* fails to teach or suggest the subject matter of claims 1, 10 and 22, and the rejection of claims 1, 10, and 22 over *Devier et al.* should be withdrawn.

Claims 2, 5, 7-9, 11-14, and 16-21 depend from claim 1 or 10, and those claims should also be allowable over *Devier et al.* at least by reason of their dependency from claim 1 or 10.

In the Final Office Action, the Examiner stated that "*Cobo et al.* clearly indicates that the valve command is given to generate a consistent deadband, but the adjusted

valve command will result in an actuator response, which is different from the response with a different pump speed.”

In *Cobo et al.*, the apparatus for controlling a fluid system changes a deadband of a valve when an engine speed changes. A command curve may be determined for a range of pump engine speeds and pump displacements to result in a consistent deadband. The apparatus of *Cobo et al.* determines a valve command that results in a consistent deadband. Thus, *Cobo et al.* discloses an control apparatus that maintains the same valve response regardless of the changes in the engine speed by providing an off set.

Cobo et al., however, does not teach or suggest a method, system, or machine that recites a reduction of a valve opening in response to a reduction in a speed of the pump. While the apparatus of *Cobo et al.* controls the deadband of the valve based on an engine speed, it does not reduce an opening of the valve in response to a reduction in the speed of the pump, as recited in claims 1, 10, and 22.

Therefore, the rejection of claims 1, 10, and 22 over *Cobo et al.* should be withdrawn. Claims 2-4, 6-9, 11-15, and 17-19 depend from claim 1 or 10, and those claims should also be allowable over *Cobo et al.* at least because of their dependency from claim 1 or 10.

In the Final Office Action, the Examiner appears to withdraw the rejection under the judicially created doctrine of obviousness-type double patenting in the previous office action of August 28, 2003.

Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application.

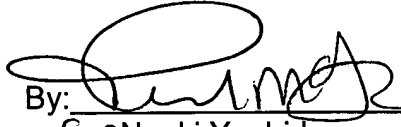
Applicant requests the Examiner's reconsideration and reexamination of the application,
and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: August 2, 2004

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